



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

OCT 09 2015

REPLY TO THE ATTENTION OF:

E-19J

Arlene Kocher
Division Administrator
Federal Highway Administration
380 Jackson Street, Suite 500
St. Paul, Minnesota 55101-4802

Re: US Highway 53 Virginia to Eveleth, St. Louis County, Minnesota, Final Environmental Impact Statement / Record of Decision (FEIS/ROD), ROD signed September 9, 2015.
(CEQ No.: 20150270)

Dear Ms. Kocher:

The U.S. Environmental Protection Agency has reviewed the Federal Highway Administration's (FHWA) Final Environmental Impact Statement / Record of Decision (FEIS/ROD) prepared for the Minnesota Department of Transportation's (MnDOT) US Highway 53 (US 53) project. Our comments are provided pursuant to the National Environmental Policy Act (NEPA), the Council on Environmental Quality's NEPA Implementing Regulations (40 CFR 1500-1508), Section 309 of the Clean Air Act, and Section 404 of the Clean Water Act.


EPA commented on the Draft EIS (DEIS) in a letter dated January 28, 2015, assigning the rating of "Environmental Concerns – Insufficient Information (EC-2)." Our comments focused on the need to clarify information regarding impacts and proposed mitigation concerning wetlands and water quality/quantity, stormwater management, noise, forests, threatened and endangered species, and air quality. We also recommended that: 1) the FEIS identify and discuss any anticipated effects of climate change on the project and possible adaptation measures, 2) FHWA/MnDOT commit to implementing clean diesel strategies to the maximum extent possible during the construction phase, 3) FHWA/MnDOT consider incorporating a bike/pedestrian path along the entire length of the preferred alternative, 4) MnDOT undertake voluntary forest compensation for upland forest loss, and 5) the preferred alternative (E-2) include the Straight Option because it has fewer wetland and forest impacts.

The FEIS/ROD has partially addressed our DEIS comments. Wetland impacts are more clearly identified, and have increased since the DEIS from 7 to 15.49 acres (9.96 acres of which are regulated and require mitigation). Use of a wetland bank is proposed for wetland mitigation at a 1:1 replacement ratio. Forest impacts have decreased from approximately 48 acres to 39 acres. The FEIS/ROD indicates that MnDOT will not undertake upland forest compensation mitigation, unless required by the U.S. Fish and Wildlife Service. Only the northern portion of preferred alternative E-2 (the bridge across the Rouchleau Pit) will incorporate a bike/pedestrian path in

order to connect the Mesabi Trail. The FEIS E-2 preferred alternative incorporates the Straight Option.

If you have any questions regarding our comments, please contact Virginia Laszewski of my staff at (312) 886-7501 or by email at laszewski.virginia@epa.gov.

Sincerely,



Kenneth A. Westlake
Chief, NEPA Implementation Section
Office of Enforcement and Compliance Assurance

Cc (via email): Phil Forst, FHWA (phil.forst@dot.gov)
Pat Huston, Project Manager, MnDOT (pat.huston@state.mn.us)
Daryl Wierzbinski, U.S. Army Corps of Engineers, Regulatory Project
Manager, (daryl.w.wierzbinski@usace.army.mil)
Andrew Horton, U.S. Fish and Wildlife Service, Twin Cities ES Field
Office, (Andrew.horton@fws.gov)
David Dominguez, FHWA (david.dominguez@dot.gov)
Nancy Frick, MnDOT (nancy.frick@state.mn.us)
Peter Leete, Minnesota Department of Natural Resources (MnDNR)
(peter.leete@state.mn.us)
Jennie Ross, MnDOT (jennie.ross@state.mn.us)
Sarma Straumanis, MnDOT (sarma.straumanis@state.mn.us)
Jim Brist, Minnesota Pollution Control Agency (MnPCA)
(jim.brist@state.mn.us)